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ATTORNEY'S DOCKET NO. LET/03X(102)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KIRK BINGEMAN, ET AL.

Serial No.: 09/626,648

Filed: 07/27/2000

Confirmation No. 2731

Group Art Unit: 3621

Examiner: Mary Cheung

RECEIVED

MAR 19 2004

OFFICE OF PETITIONS

Title: METHOD AND APPARATUS FOR CONTINUING PLAY WITH  
CART-BASED NAVIGATION/INFORMATION SYSTEM DISPLAY

**PETITION TO REVIVE APPLICATION  
ABANDONED FOR UNINTENTIONAL DELAY**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Honorable Commissioner:

Applicant petitions for revival of the above-referenced application. This Petition is accompanied by (1) an Amendment responsive to the Office Action of 05/30/2003; which had previously gone without response and resulted in a Notice of Abandonment, together with a fee calculation sheet for the Amendment and a copy of the Notice, and (2) a corporate check in the amount of the fee of \$665.00 for this Petition.

The undersigned attorney declares, based on actual knowledge or on information and belief where actual knowledge is lacking:

That apparently as a result of his still having been listed as an attorney of record in the application, he received a telephone call from the examiner of record in this application on 01/15/2004 inquiring whether a response had been filed to the aforementioned Office Action, and replied that he would check the status and inform the examiner;

That the law firm of which he is of counsel formerly prosecuting this application had been requested in mid-2003 by ProLink, Inc. (ProLink), the assignee of several applications being prosecuted by the said firm including this one, to transfer all patent files handled by that

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firm to ProLink for prosecution in house or by outside counsel in its metropolitan Phoenix, Arizona location;

That the former prosecuting law firm complied with that request and subsequently received a few Office Actions on applications it had been handling and had transferred to ProLink, and promptly forwarded each of those Actions separately to ProLink as well, presumably including the aforementioned Action in this application;

That an employee of ProLink who had been assigned to act as the custodian of the transferred files and to engage outside counsel to handle same left the employ of ProLink late in 2003, without having attended to the aforementioned Action if it was one of those that had been sent separately to ProLink;

That in the interim while a search was being conducted for the aforementioned Action, the undersigned attorney called the examiner and notified her that it appeared no response to the Action had been filed, and requested that a Notice of Abandonment be issued to permit filing a petition for revival at the behest of ProLink;

That a Notice of Abandonment marked as mailed by the PTO on 01/27/2004, was received by the former prosecuting law firm on 02/02/2004 and faxed to the undersigned attorney for continued discussion with ProLink; and

That when further search at ProLink proved fruitless, he requested the examiner to supply a copy of the missing Action by fax, and the examiner did so by fax transmission on 02/25/2004.

The undersigned attorney has taken up a review of the application and a prior Action and subsequent amendment as quickly as possible, and has prepared the accompanying Amendment for filing in this application, conditioned upon the granting of this Petition to Revive. From a review of the current Action, it is believed that all requirements imposed by it are complied with in this Amendment. In view of the facts recited herein, it is respectfully submitted that the entire delay in filing the required response from the due date thereof to the date of filing this petition was unintentional.

From a reading of 37 CFR 1.137(d), it is believed by the undersigned attorney that no terminal disclaimer is required in this case because this continuation application was not filed before June 8, 1995.

In view of the foregoing statement, applicant respectfully urges that this petition to revive the application be granted.

Respectfully submitted,

KIRK BINGEMAN ET AL.

By 

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Dated: 03/15/2004

Enclosures (as listed above)

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